

**RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION**

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes, generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** The Three Affiliated Tribes MR&I Water Project is in need of purchasing equipment and has obtained bids for a 590 D John Deere Excavator; and
- WHEREAS,** R.D.O. Equipment Co., of Minot, North Dakota submitted a bid on one (1) 590 D John Deere Excavator - FF590DX003182, with 28" pads - Long Stick - Blockheater, Ether Aid, including many options. As per quotation dated 04/01/98 for the amount of \$100,000.00.
- WHEREAS,** The new equipment as per quotation dated 04/01/98 for the amount of \$100,000.00 shall be financed by Deer Credit, Inc. for a period of not less the (5) years, no prepayment penalties, and 7.2% interest on the unpaid balance; with the first annual payment of \$23,038.69, and
- WHEREAS,** The Three Affiliated Tribes, as Lessee, is a sovereign, governmental Nation of the Mandan, Hidatsa & Arikara Tribes and, as such, has a judicial system and has adopted a Code of Laws pertaining to the present governmental Lease Agreement; including possessing such inherent sovereign attributes as immunity from suit; and
- WHEREAS,** The Code of Laws of the Three Affiliated Tribes shall govern the interpretation and enforcement of the terms and conditions of the Lease Purchase Agreement between Lessor and Lessee. (A true and correct photostatic copy of the governmental Lease Purchase Agreement is attached and incorporated herein identified as ("Attachment A") and
- WHEREAS,** The Lessor and Lessee agree that the interpretation and enforcement of the Governmental Lease Purchase Agreement, identified in the preceding paragraph, shall be subject to the jurisdiction of the Fort Berthold District Court; and

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby grants a limited waiver of immunity from suit in the event the Tribe defaults on the Governmental Lease Purchase Agreement between Deere Credit, Inc. (Lessor) and the Three Affiliated Tribes (Lessee), and that such default remedies shall be governed by the Code of Laws of the Three Affiliated Tribes, providing for the recovery of property in dispute, as contained in the Repossession Statute.

BE IT FURTHER RESOLVED, That any references in the Municipal/Governmental Lease Purchase Agreement concerning sovereign immunity, default remedies and laws affecting the interpretation and enforcement of said Agreement shall be superseded by the language contained in this resolution governing such provisions.

BE IT FURTHER RESOLVED, That any disputes over the terms and conditions of the Lease Purchase Agreement shall be resolved in the Fort Berthold District Court of the Three Affiliated Tribes.

BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the purchase of a 590 D John Deere Excavator as described in the Agreement from RDO Equipment Co., and further authorizes the Chairman to execute the proper legal documents.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 14th day of April, 1998; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 1 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 14th day of April, 1998.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

[Signature]
Chairman, Tribal Business Council